



Attorney Docket No.: 2003946-0058

SUBSTITUTE DECLARATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

NITROGEN CONTAINING AROMATIC DERIVATIVES

the specification of which (I authorize Choate, Hall & Stewart to check one of the following, three choices, and fill in the blanks, if applicable):

_____ is attached hereto.

X was filed August 29, 2003 as Application Serial No. 10/651,496 and amended on _____ (if applicable).

_____ was filed as PCT international application No. _____, on _____ and was amended under PCT Article 19 on _____ (if applicable).

I hereby state that I have reviewed and understood the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s):

| NUMBER | COUNTRY | FILING DATE | PRIORITY CLAIMED | |
|--------------|---------|-----------------|------------------|----|
| | | | YES | NO |
| P2002-253123 | Japan | August 30, 2002 | X | |
| | | | | |
| | | | | |

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

| APPLICATION NUMBER | FILING DATE | STATUS |
|--------------------|-------------|--------|
| | | |
| | | |
| | | |

PCT Applications designating the United States:

| PCT APPLICATION NUMBER | FILING DATE | STATUS |
|------------------------|-------------|--------|
| | | |
| | | |
| | | |
| | | |

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national filing date of this application.

Provisional Application(s):

| APPLICATION NUMBER | FILING DATE | STATUS |
|--------------------|----------------|---------|
| 60/464,690 | April 22, 2003 | Pending |
| | | |
| | | |
| | | |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Full name of 1st inventor Akihiko Tsuruoka

Inventor's Signature

Akihiko Tsuruoka

Date 12/9/03

Residence

19-1, 2-203, Azuma 3-chome, Tsukuba-shi, Ibaraki 305-0031, Japan

Citizenship

Japan

Post Office Address

Same

Full name of 2nd inventor Tomohiro Matsushima

Inventor's Signature

Tomohiro Matsushima

Date 12/9/03

Residence

10-2, Tagu 2-chome, Ushiku-shi, Ibaraki 300-1237, Japan

Citizenship

Japan

Post Office Address

Same

Full name of 3rd inventor Masayuki Matsukura

Inventor's Signature

Masayuki Matsukura

Date 12/9/03

Residence

9-10, Tokadai 2-chome, Tsukuba-shi, Ibaraki 300-2635, Japan

Citizenship

Japan

Post Office Address

Same

Full name of 4th inventor Kazuki Miyazaki

Inventor's Signature

Kazuki Miyazaki

Date 12/10/03

Residence

9-7-211, Inarimae, Tsukuba-shi, Ibaraki 305-0061, Japan

Citizenship

Japan

Same

Full name of 5th inventor Keiko Takahashi

Inventor's Signature

Keiko Takahashi Date 2003/12/19

Residence

10-7-512, Tagu 3-chome, Ushiku-shi, Ibaraki 300-1237, Japan

Citizenship

Japan

Post Office Address

Same

Full name of 6th inventor Junichi Kamata

Inventor's Signature

Junichi Kamata Date 2003/12/9

Residence

13-9-405, Sakura 1-chome, Tsukuba-shi, Ibaraki 305-0003, Japan

Citizenship

Japan

Post Office Address

Full name of 7th inventor Yoshio Fukuda

Inventor's Signature

Yoshio Fukuda Date 12/9/03

Residence

25-3-403, Matsushiro 2-chome, Tsukuba-shi, Ibaraki 305-0035, Japan

Citizenship

Japan

Post Office Address



ATTORNEY'S DOCKET NUMBER: 2003946-0058

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Tsuruoka, *et al.* Examiner: Unassigned
Serial No.: 10/651,496 Group Art Unit: Unassigned
Filed: August 29, 2003 Confirmation No.: Unknown
For: Nitrogen-Containing Aromatic Derivatives

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

ESTABLISHING RIGHT OF ASSIGNEE TO TAKE ACTION
(37 CFR § 3.73(b))

The inventors of the above-referenced United States patent application have assigned their entire right, title, and interest in the inventions disclosed therein according to the following table:

| Inventor | Assignee |
|---------------------|-----------------|
| Akihiko Tsuruoka | Eisai Co., Ltd. |
| Tomohiro Matsushima | Eisai Co., Ltd. |
| Masayuki Matsukura | Eisai Co., Ltd. |
| Kazuki Miyazaki | Eisai Co., Ltd. |
| Keiko Takahashi | Eisai Co., Ltd. |
| Junichi Kamata | Eisai Co., Ltd. |
| Yoshio Fukuda | Eisai Co., Ltd. |

Thus, the Assignee of the inventors' entire right, title, and interest is:

Eisai Co., Ltd.

According to 37 CFR § 3.73(b), the Assignee is entitled to take action relating to the application in the Patent and Trademark Office if the Assignee establishes ownership to the satisfaction of the Commissioner.

Ownership by the assignee is established as follows:

documents already recorded in the PTO on _____.

Reel _____ Frame _____; and

documents separately submitted for recordal to the PTO (a copy of these documents is attached).

STATEMENT

I, person(s) authorized to sign on behalf of the Assignee, have reviewed the evidentiary documents referred to above and certify that, to the best of my knowledge and belief, title is mine/ours as Assignee who seeks to take further action.

| | Name/Title | Assignee | Date |
|------------|--|---|----------------------|
| Signature: | <u>Hiroshi YOSHINO</u> | Eisai Co., Ltd., 6-10, Koishikawa 4-chome, Bunkyo-ku, Tokyo 112-8088, Japan | December 11, 2003 |
| Name: | <u>Hiroshi YOSHINO</u> | | |
| Title: | <u>Director of R & D Patent Department</u> | | |



ATTORNEY'S DOCKET NUMBER: 2003946-0058

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Applicant: Tsuruoka, *et al.* Examiner: Unknown
Serial No.: 10/651,496 Group Art Unit: Unknown
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For: Nitrogen-Containing Aromatic Derivatives

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

APPOINTMENT OF ATTORNEY

The undersigned hereby appoints:

| Practitioner | Registration Number |
|----------------------------------|---|
| Sam Pasternack, Ph.D. | 29,576 |
| Donald W. Muirhead | 33,978 |
| Brenda Herschbach Jarrell, Ph.D. | 39,223 |
| Anne E. Saturnelli | 41,290 |
| Kevin Tormey | 41,351 |
| Elizabeth E. Nugent, Ph.D. | 43,839 |
| Theresa Devlin, Ph.D. | 45,361 |
| Valarie B. Rosen, Ph.D. | 45,698 |
| C. Hunter Baker, M.D., Ph.D. | 46,533 |
| Monica R. Gerber, M.D., Ph.D. | 46,724 |
| Elijah Cocks | 47,499 |
| Charles E. Lyon, Ph.D. | Limited Recognition Under 37 C.F.R. § 10.9(b) |
| Nadège M. Lagneau, Ph.D. | 51,908 |
| Stacy Blasberg | 52,625 |

as its attorneys and agents for prosecution of matters relating to the above-identified patent application and to conduct all business in the United States Patent and Trademark Office.

All correspondence should be sent to:

Patent Department
Theresa A. Devlin, Esq.
Choate, Hall & Stewart
Exchange Place, 53 State Street,
Boston, Massachusetts 02109

Respectfully submitted,

Hiroshi Yoshino

Name: Hiroshi YOSHINO

Title: Director of R & D

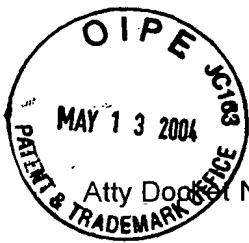
Title: Patent Department

On behalf of Eisai Co., Ltd.

Dated: December 11, 2003

3600969v1

Attorney Docket No.: 2003946-0045



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Tsuruoka, et al.

No. 10/651496

Filed: August 29, 2003

For **NITROGEN-CONTAINING AROMATIC DERIVATIVES**
DECLARATION AND VERIFIED TRANSLATION

Hon. Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Sir:

I, Shiro TERASAKI, a Japanese Patent Attorney registered No. 9265 having my business office at Ginza First Bldg., 10-6, Ginza 1-chome, Chuo-ku, Tokyo 104-0061 Japan, hereby declare and say:

that I am thoroughly conversant with both the Japanese and English languages; and, that the attached document represents a true English translation of United States Patent Application as filed in accordance with 37 CFR Section 1.52(d) in the Japanese language on August 29, 2003 which is claimed and for which a patent is sought on the invention entitled: **NITROGEN-CONTAINING AROMATIC DERIVATIVES**

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signed this 15th day of January, 2004.

Signature: 

Name: Shiro TERASAKI